

USSN: 09/403,690

Attorney Docket No.: 20239-0706-US

Client Docket No.: BN 25 PCT-US

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8):**

[ ] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner J. Einsmann at Facsimile No. (703) 308-4242 at 4:30 p.m. h.m.

Dated: November 1, 2002

Name of Person Certifying: James W. Davis, Jr.

Printed Name:

James W. Davis, Jr.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Pfeffer, et al.

Assignee: Bavarian Nordic GmbH

Filing Date: January 26, 2000

Examiner: Einsmann, J.

Serial No.: 09/403,690

Group Art Unit: 1655

Title: TaqMan™-PCR for Detection of Pathogenic E. Coli Strains

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1193, Docket No. 20239-0706-US for any additional fees required in connection with the filing of this Information Disclosure Statement.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☒ Before the mailing of a first Office Action with or after the filing of a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114.

**II. Copies of the Cited Items:**

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.

**III. Concise Explanation of Relevance:**

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.

USSN: 09/403,690  
Attorney Docket No.: 20239-0706-US  
Client Docket No.: BN 25 PCT-US

**IV. Conclusion:**

Citation of the above documents shall not be construed as:

1. a representation that a search has been made;
2. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b);
3. an admission that the documents are necessarily prior art with respect to the instant invention.

DATE: November 1, 2002

Respectfully submitted,

By: *Susan Hubl*  
Susan Hubl, Ph.D., Patent Agent  
Registration No.: 47,668

Bingham McCutchen, LLP  
formerly McCutchen, Doyle, Brown, and Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (415) 393-2000  
Telefax: (415) 393-2286



NOV. 1. 2002 4:36PM

BINGHAM MCCUTCHEN - SF

NO. 9456 P. 13 (09-01)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 1,140.00

## Complete If Known

Application Number	09/403,680*
Filing Date	January 26, 2000
First Named Inventor	Pfeffer, et al.
Examiner Name	Elismann, J.
Group Art Unit	1655
Attorney Docket No.	20239-0706

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

50-1193

Deposit Account Name

Bingham McCutchen LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	60	Provisional filing fee	

SUBTOTAL (1) (\$)-0-

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20**	x	\$	
Independent Claims	-3**	x	\$
Multiple Dependent			\$

  

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
100	16	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	16	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)-0-

\*\* or number previously paid, if greater; For reissues, see above.

## FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
116	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	\$ 400.00
117	820	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,980	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
136	1,510	136	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
116	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	\$ 740.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,140.00

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Susan Hubl, Patent Agent

Registration No.  
(Attorney/Agent)

47,668

Telephone

(415) 393-2000

Signature

Susan Hubl

Date

November 1, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.